

REMARKS

Claim 30 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Claims 2-3, 5, 9, 11-13, 16-18 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al US 5385157.

Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al as applied to claim 11 and further in view of Nicotra US 5862809.

Claims 14-15 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith as applied to claims 13 and 3 and further in view of Lustbader US 3405719.

Claims 19 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith as applied to claim 11 and further in view of Kojima US 4996995.

Claims 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith as applied to claim 11 and further in view of Hernlein US 5605226.

Smith discloses nothing about thermal capacity of structure similar to the presently claimed closure body. Smith is a thin-walled closure body. It is not designed to, and in its disclosed form physically cannot store heat from a cigarette in the thermal capacity of a conducting element. This reference has no structure which would conduct and store heat from a cigarette into a heat sink element such as the claimed closure body of the present invention. Smith depends entirely on a quick air-starvation step to extinguish the burning

element, precisely because it has no ability to accommodate the heat from a cigarette. The cage element 40 of the Smith reference teaches away from the purposeful conduction of heat into the material of its structure. The Examiner cannot point to an element in Smith equivalent to the claimed solid closure body of the presently claimed invention, because none exists.

The presently claimed invention purposely is arranged to store essentially all the heat from a burning cigarette.

Kojima discloses no heat sink structure.

Hernlein holds lighted cigarettes which are intended to remain lit, and other functions of a cigarette caddy, all unrelated to the heat sink extinguishing features of the present invention.

Lustbader discloses no heat sink structure.

Nicotra discloses no heat sink structure.

The details from each of the cited references aside from Smith are not combinable to form the claimed structure, because the basic reference Smith is far afield from the essential claimed elements.

The Examiner simply has not produced a reference in this field which discloses the claimed heat sink feature. The cited references all teach away from purposely absorbing whatever heat is present in a cigarette through the use of specially selected materials.

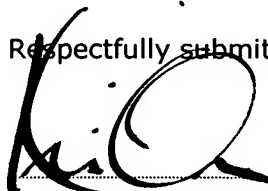
CONCLUSION

Applicant asserts that all of the objections have been obviated, and now therefore respectfully requests withdrawal of those objections and an allowance of this application.

PETITION FOR AN EXTENSION OF THE TERM

Applicant petitions the Commissioner of the United States Patent and Trademark Office to extend the time for reply to the Office Action dated 18 April 2007 for three-month from 18 July 2007 to 18 October 2007. Submitted herewith is a check for \$510 to cover the cost of the extensions. Any deficiency or overpayment should be charged or credited to our deposit account number 04-2219, referencing our docket number 13745.

Respectfully submitted,

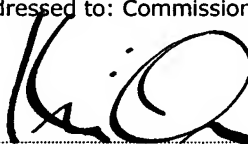


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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited as First Class Mail with the United States Postal Service in an envelope addressed to: Commissioner of Patents PO Box 1450, Alexandria, VA 22313-1450, on 18 October 2007.



Keith Orum